IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 18442 of 1994

Between:

M/s. Andhra Printers Ltd., Rep. Branch Manager.
Andhra Jyothi Bulding, Banjara Hills,
Hyderabad.

..... PETITIONER

AND

1 The Hon'ble Industrial Tribunal-Cum-Labour Court,

Rep. Presiding Officer, Warangal.
2 V.L.Narasimha Rao, S/o. Late V.Gopal Rao.
R/o. H.No. 13-2-184, Phatak mohalla,
Matwada, Warangal.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue notice call for records and quash and set aside the order made in M.P.Np.115/1987, dated 28/07/1994 on the file of the Industrial Tribunal cum Labour Court, Warangal, by issuing a writ of Certiorari or any other appropriate writ or order or orders or direction as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.A.KRISHNA MURTHI

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE AND LABOUR

Counsel for the Respondent No.2 : Mr.M.PANDURANGA RAO.

The Court made the following :

O R D E R:

The Writ Petition is filed by the petitioner-M/s. Andhra Printers Limited challenging the order dated 28.7.1994 passed by the Industrial Tribunal-cum-Labour Court, Warangal in M.P.No.115 of 1987 filed under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short "the Act").

2. The second respondent laid a claim for the difference of wages and bonus etc., as per the annexures II and III of the claim statement. The learned Tribunal, after considering the material, allowed the claim by an order dated 28-07-1994 for a sum of Rs.84,154-08 ps. towards difference of wages and leave encashment salary, and a sum of Rs.10,117-63 ps. towards bonus. The said order came to be challenged by the management in this writ petition.

3. The learned Counsel for the petitioner-management submits that the management has been changed and there are no instructions from the present management.

4. In view of the same, it became necessary for this Court to decide the matter on merits. An application was filed under Section 33-C(2) of the Act claiming the difference of wages and the Tribunal after elaborate enquiry allowed the claim as referred to above. Since the eligibility of the amounts due to the workman can be computed under Section 33-C (2) of the Act, it cannot be said that the Tribunal lacks

jurisdiction in assessing the amounts due. Thus, I do not find any error in the order passed by the Tribunal.

5. The Writ Petition is accordingly dismissed. No costs.

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G.BIKSHAPATHY,J.

Dated:22-07-2004

gs/ghn

To

1. The Presiding Officer, Industrial Tribunal-Cum-Labour Court,

Warangal.

2. 2CCs to G.P. for Social Welfare and Labour, High Court Buildings,

Hyderabad(OUT)

3. 2CD copies